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## PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In Re U.S. Patent Application**

**Applicant:** Jeffrey L.C. Wright and  
Jaroslav A. Kralovec

Serial No.: 10/070,181

Filed: February 27, 2002

## For: A Nutritional Supplement for Lowering Serum Triglyceride Cholesterol Levels

) I hereby certify that this correspondence is being  
) deposited with the United Postal Service as first class  
) mail in an envelope addressed to: Assistant  
) Commissioner of Patents, Washington, D.C. 20231, on  
) **March 20, 2002.**

Gerald T. Thehl

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## INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. §1.97, a list of documents is disclosed on the attached Form PTO-1449 that may be material to the examination of this application. The cited references and International Search Report which are enclosed herewith.

Documents for which the supplied date of publication lists the year of publication without the month were published sufficiently earlier than the effective U.S. filing date and any foreign priority date, so that the particular month of publication is not in issue. Pursuant to §609 of the MPEP, it is understood that the month of publication is not required when the particular month of publication is not in issue.

No inferences should be drawn that the attached list represents a comprehensive investigation, or that any material disclosed is equivalent to the subject invention. In addition, none of the documents that have publication dates prior to the priority date of the above application anticipate the invention in this application.


Applicant avers that no art cited herein was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Statement.

The cited document(s) disclose numerous specific features. There has been no attempt to list each and every feature disclosed by each document. The Examiner is requested to review the document(s) and determine the extent of the materiality of the document disclosures with respect to the present invention.

The discussion of any art and the citation of any document(s) herein is not to be construed as an admission that the art or document disclosure is necessarily within the invention field of endeavor, that the art or document disclosure is necessarily prior in time to a particular date which may be relevant to the instant patent application, and/or that the art or document disclosure is otherwise necessarily prior art as defined by the patent law with respect to the instant invention and application.

Also, there is reserved the right to later set forth how the instant invention is distinguished over the disclosure of any document or other art, including the disclosures of the art and document(s) recited herein, that may be cited by the Examiner in rejecting a claim in the instant patent application. The recitation herein of the art and document(s) is not to be construed as an assertion that more pertinent art could not possibly be in existence.

Respectfully submitted,

By 

Gerald T. Shekleton  
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Dated: March 19, 2002

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(Rev. 5/92) Comparable to Form PTO-1449  INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)	U.S. Department of Commerce Patent and Trademark Office	Atty. Docket No.  86450	Serial No.  10/070,181
	Applicants Jeffrey L.C. Wright and Jaroslav A. Kralovec		
	Filing Date: 02/27/2002		Group

## U.S. PATENT DOCUMENTS

*Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
	4,588,717	13/05/1986	David C. Mitchell			
	5,593,691	14/01/1997	Eugster et al.			

## FOREIGN PATENT DOCUMENTS

	Document Number	Date	Country	Class	Subclass	Translation	
						Yes	No
	0 897 970 A1	24.02.1999	EP			ABS	
	1004594	13/05/2000	EP			ABS	
	0982315	01/03/2000	EP			ABS	
	9806405	19/02/1998	PCT				

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	International Search Report
	Rompp Chemie Lexicon. (1995) Georg Thieme Verlag, Germany, Table 2 on page 272 (English translation provided).

Examiner	Date Considered
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\*Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO-1449 (Modified)	Atty. Docket No. 86450
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	JEFFREY L.C. WRIGHT & Jaroslav A. Kralovec
10/070,181	February 27, 2002

## REFERENCE DESIGNATION U.S. PATENT DOCUMENTS

EXAM. INIT.	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROPRIATE
A1	5 5 0 2 0 4 5	26/03/96	MIETTINEN ET AL.	514	182	
A2	5 8 9 2 0 6 8	06/04/99	HIGGINS, III	552	554	

## FOREIGN PATENT DOCUMENTS

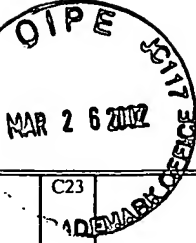
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO
B1	WO 92 1 9 6 4 0	12/11/92	PCT			
B2	WO 96 1 0 0 3 3	04/04/96	PCT			
B3	EP 0 594 612 B1	03/05/91	Europe			
B4	WO 97 3 5 5 9 4	02/10/97	PCT			
B5	WO 98 0 6 7 1 4	19/02/98	PCT			
B6	WO 98 1 8 4 2 9	07/05/98	PCT			
B7	EP 97 0 3 3 2 9	13/02/97	EUROPE			
B8	WO 99 3 0 5 6 9	24/06/99	PCT			
B9	WO 98 0 1 7 5 9	15/01/98	PCT			
B10	1 3 3 7 5 4 8	14/11/95	CA			

## OTHER ART (including Author, Title, Date, Pertinent Pages, Etc.)

C1	Criqui M.H., "Triglycerides and Cardiovascular Disease, A Focus on Clinical Trials", <i>European Heart Journal</i> 19 (Supplement A); A36-A39
C2	Grundy, Scott M., "Small LDL, Atherogenic Dyslipidemia, and the Metabolic Syndrome", <i>Circulation</i> 95:1-4 (1997)
C3	Grundy, Scott M., "Hypertriglyceridemia, Atherogenic Dyslipidemia, and the Metabolic Syndrome", <i>American Journal of Cardiology</i> , 81(4A):18B-25B (1998)
C4	Gotto, Antonio M., Jr., "Triglyceride, The Forgotten Risk Factor", <i>Circulation</i> , 97:1027-1028 (1998)
C5	Jeppesen, Jorgen, et al., "Triglyceride Concentration and Ischemic Heart Disease, An Eight-Year Follow-up in the Copenhagen Male Study", <i>Circulation</i> 97:1029-1036 (1998)
C6	Guido Franceschini and Rodolfo Paoletti, "Pharmacological Control of Hypertriglyceridemia", <i>Cardiovascular Drugs and Therapy</i> , 1993:7:297-302 (1993)
C7	Eisenberg, Daniel, "The Importance of Lowering Cholesterol in Patients with Coronary Heart Disease", <i>Clin. Cardiol.</i> 21:81-84 (1998)
C8	"Randomised Trial of Cholesterol Lowering in 4444 Patients with Coronary Heart Disease: The Scandinavian Simvastatin Survival Study (4S)", <i>The Lancet</i> Vol. 344, Nov. 19, 1383-1389 (1994)
C9	Shepherd, James, et al., "Prevention of Coronary Heart Disease With Pravastatin in Men With Hypercholesterolemia", <i>The New England Journal of Medicine</i> , Vol 333:1301-7 (1995)



		Sacks, Frank, M., et al., "The Effect of Pravastatin on Coronary Events After Myocardial Infarction in Patients with Average Cholesterol Levels", <i>The New England Journal of Medicine</i> , Vol. 335:1001-9 (1996)
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	C14	Vanhanen, Hannu, T., et al., "Serum Cholesterol, Cholesterol Precursors, and Plant Sterols in Hypercholesterolemic Subjects with Different apoE Phenotypes During Dietary Sitostanol Ester Treatment", <i>Journal of Lipid Research</i> , 34:1535-1544 (1993)
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	C18	Leaf, Alexander, et al., "Medical Progress, Cardiovascular Effects of n-3 Fatty Acids", <i>The New England Journal of Medicine</i> , No. 9, 318:549-557 (1988)
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	C20	Kinsella, John, E., et al., "Dietary n-3 Polyunsaturated Fatty Acids and Amelioration of Cardiovascular Disease: Possible Mechanisms <sup>1-3</sup> ", <i>Am. J. Clin. Nutr.</i> , 52:1-28 (1990)
	C21	Connor, Sonja, L., et al., "Are Fish Oils Beneficial in the Prevention and Treatment of Coronary Artery Disease?", <i>Am. J. Clin. Nutr.</i> 66 (Suppl.):1020S-31S (1997)
	C22	Burr, M.L., et al., "Effects of Changes in Fat, Fish, and Fibre Intakes on Death and Myocardial Reinfarction: Diet and Reinfarction Trial (Dart)", <i>The Lancet</i> , 757-761 (1989)



	C23	von Shacky, Clemens, et al., "The Effect of Dietay $\omega$ -3 Fatty Acids on Coronary Atherosclerosis, A Randomized, Double-Blind, Placebo-Controlled Trial", <i>Annals of Internal Medicine</i> , 130:554-562 (1999)
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	C26	Carey, Martin, C., et al., "Lipid Digestion and Absorption" <i>Ann. Rev. Physiol.</i> 45:651-77 (1983)
EXAMINER		DATE CONSIDERED

EXAMINER:

Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.